

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CHARLES LEE MOORE II, )  
                            )  
Plaintiff,               )  
                            )  
v.                         )   Case No. CIV-15-688-HE  
                            )  
LT. PANTOJA et al.,     )  
                            )  
Defendants.             )

**ORDER**

This matter is before the Court on the pro se Plaintiff's second motion to compel.

*See* Pl.'s Mot. (Doc. No. 52) at 1. Specifically, Plaintiff asserts that Defendant Pantoja, who is the sole remaining defendant in this case, refuses to "directly and fully" answer ten interrogatories that Plaintiff believes are relevant to his claim. *Id.* at 1, 2. Plaintiff certifies that he has attempted in good faith to "confer[] with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1); *see* Pl.'s Mot. at 2-3.

Plaintiff has not provided the Court with a copy, or at least an adequate description, of his proffered interrogatories and Defendant's allegedly incomplete responses. *See, e.g.,* Pl.'s Mot. at 2 ¶ 12 ("Defendant Pantoja can answer to the extent that he has personal knowledge (Interrogatory #8). For example, was Defendant Pantoja interviewed himself."). Without this information, the Court cannot determine whether Defendant Pantoja can be compelled to produce the discovery that Plaintiff seeks. *See generally Witt v. GC Servs. Ltd. P'ship*, 307 F.R.D. 554, 559-71 (D. Colo. 2014); Fed. R. Civ. P. 26(b)(1),

33(a)-(b), 37(a). Moreover, some of Plaintiff's interrogatories appear to seek information that is not relevant to Plaintiff's sole remaining claim that Defendant Pantoja physically assaulted Plaintiff on November 24, 2014. *See* Pl.'s Mot. at 2 ¶ 13 ("Defendant Pantoja can answer whether female staff were present for the strip search of Plaintiff during the cell search (Interrogatory #9)."). Accordingly, Plaintiff's second motion to compel discovery responses (Doc. No. 52) is DENIED without prejudice to refiling.

IT IS SO ORDERED this 8th day of March, 2017.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE